

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FORTIS BANK (NEDERLAND) N.V.,

Plaintiff,

MASSACHUSETTS PORT AUTHORITY,
et al.,

Intervenor Plaintiffs

v.

**M/V SHAMROCK AND COPROPRIETE DU
NAVIRE SHAMROCK,**

Defendants

and

COMATRANS, S.A.
SP CONTAINER LINE SA, and
SNC SHAMROCK GESTION,

Parties-in-Interest.

Civil No. 04-147-P-S

ORDER

Before the Court is the Expedited Motion of Fortis Bank (Nederland) N.V. for Interlocutory Sale of the M/V Shamrock (Docket # 70). The Court has reviewed all submissions made in connection with this Motion. In connection with that review, the Court notes that it has GRANTED Defendants' Motion for Leave to File a Memorandum of Law in Opposition in Excess of Page Limit (Docket # 104), Plaintiff's Motion for Leave to File Consolidated Reply (Docket # 124), Plaintiff's Motion for Leave to Exceed the Page Limitations for Reply (Docket # 131) and the "Lien Creditors'" Joint Motion for Leave to Reply to Owners' Opposition to Interlocutory Sale and to Exceed Page Limit (Docket # 136).

Having considered the filings of the parties made pursuant to these motions as well as all other relevant filings in their entirety, the Court DENIES WITHOUT PREJUDICE the Expedited Motion for Interlocutory Sale of the M/V Shamrock. The Court's ruling is based on its failure to presently conclude either: (1) that the M/V Shamrock is liable to deterioration, decay or injury by being detained, (2) that the expense of keeping and maintaining the M/V shamrock is excessive or disproportionate, or (3) that there is an unreasonable delay in securing

the release of the property. See Rule E(9)(b)(i) of the Federal Supplemental Rules for Certain Admiralty and Maritime Claims (“Supplemental Rules”). Rather, the Court finds that the owners of the M/V Shamrock are entitled to some additional time to attempt to secure release of the vessel.

Nonetheless, the Court ORDERS that on or before noon on Friday, September 10, 2004 all interested parties may and shall provide the Court with a status report addressing any or all recent developments related to the above three factors.¹ The Court will reconsider its ruling on the Expedited Motion for Interlocutory Sale of the M/V Shamrock in light of these status reports. In connection with this reconsideration, the Court tentatively schedules oral argument on the issue of expedited sale of the M/V Shamrock for 1 p.m. on Monday, September 13, 2004. Counsel should understand and be prepared for the possibility that the Court will issue an Order for Interlocutory Sale on that day if it concludes that any of the criteria of Supplemental Rule E (9)(b)(i) are then satisfied.

SO ORDERED.

/s/ George Z. Singal
Chief U.S. District Judge

Dated this 31st day of August, 2004.

¹ To the extent that this opportunity to file a status report will give Defendants an opportunity to respond to the material arguments and allegations raised in the various reply memoranda, Defendants’ Alternative Motion for Leave to File Surreply Memoranda (Docket # 140) is GRANTED IN PART. However, all parties should be advised that the Court does not intend to give the parties an opportunity to file written responses to the September 10th submissions in advance of the September 13th oral argument.

**FORTIS BANK (NEDERLAND)
NV**

represented by **PETER S. PLUMB**
MURRAY, PLUMB & MURRAY
PO BOX 9785
PORTLAND, ME 04101-5085
773-5651
Email: pplumb@mpmlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SARAH A. MCDANIEL
MURRAY, PLUMB & MURRAY
PO BOX 9785
PORTLAND, ME 04101-5085
207-773-5651
Fax : 207-773-8023
Email: smcdaniel@mpmlaw.com
ATTORNEY TO BE NOTICED

THOMAS C. NEWMAN
MURRAY, PLUMB & MURRAY
PO BOX 9785
PORTLAND, ME 04101-5085
773-5651
Email: tnewman@mpmlaw.com
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

**MASSACHUSETTS PORT
AUTHORITY**

represented by **MICHAEL J. RAUWORTH**
CETRULO & CAPONE
TWO SEAPORT LANE
10TH FLOOR
BOSTON, MA 02210
(617) 217-5500
Email: mrauworth@cetcap.com
ATTORNEY TO BE NOTICED

NANCY KELLY
CETRULO & CAPONE
TWO SEAPORT LANE

10TH FLOOR
BOSTON, MA 02210
617-217-5500
Fax : 617-217-5200
Email: nkelly@cetcap.com
ATTORNEY TO BE NOTICED

CERESCORP COMPANY

represented by **R. TERRANCE DUDDY**
KELLY, REMMEL &
ZIMMERMAN
53 EXCHANGE STREET
P.O. BOX 597
PORTLAND, ME 04112
207-775-1020
Email: tduddy@krz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

U. CHARLES REMMEL, II
KELLY, REMMEL &
ZIMMERMAN
53 EXCHANGE STREET
P.O. BOX 597
PORTLAND, ME 04112
207-775-1020
Email: cremmel@krz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

**BOSTON PILOT ASSOCIATION
LLC**

represented by **MICHAEL J. RAUWORTH**
(See above for address)
ATTORNEY TO BE NOTICED

NANCY KELLY
(See above for address)
ATTORNEY TO BE NOTICED

**BOSTON LINE & SERVICE
COMPANY, INC**

represented by **MICHAEL J. RAUWORTH**
(See above for address)
ATTORNEY TO BE NOTICED

NANCY KELLY

(See above for address)
ATTORNEY TO BE NOTICED

HALTERM LIMITED

represented by **U. CHARLES REMMEL, II**
(See above for address)
ATTORNEY TO BE NOTICED

**ATLANTIC ELECTRONICS
LIMITED**

represented by **JOHN G. OSBORN**
BERNSTEIN, SHUR, SAWYER, &
NELSON
100 MIDDLE STREET
P.O. BOX 9729
PORTLAND, ME 04104-5029
207-774-1200
Email: josborn@bssn.com
ATTORNEY TO BE NOTICED

WENDY J. PARADIS
BERNSTEIN, SHUR, SAWYER, &
NELSON
100 MIDDLE STREET
P.O. BOX 9729
PORTLAND, ME 04104-5029
207-774-1200
Email: wparadis@bssn.com
ATTORNEY TO BE NOTICED

UNION OIL CO OF MAINE

represented by **MARSHALL J. TINKLE**
TOMPKINS, CLOUGH, HIRSHON
& LANGER
THREE CANAL PLAZA
P.O. BOX 15060
PORTLAND, ME 04112-5060
207-874-6700
Email: mjtinkle@tchl.com
ATTORNEY TO BE NOTICED

PORTLAND PILOTS, INC

represented by **THOMAS J VAN MEER**
VAN MEER & BELANGER, P.A.
20 YORK STREET
PORTLAND, ME 04101
Email: tvanmeer@vblawfirm.com

ATTORNEY TO BE NOTICED

V.

Defendant

M/V SHAMROCK

represented by **MICHAEL KAPLAN**
PRETI, FLAHERTY, BELIVEAU,
PACHIOS & HALEY, LLC
PO BOX 9546
PORTLAND, ME 04112-9546
791-3000
Email: mkaplan@preti.com
ATTORNEY TO BE NOTICED

**COPROPRIETE DU NAVIRE
SHAMROCK**

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

SPM LINE INC

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

SP CONTAINER LINE SA

represented by **MICHAEL KAPLAN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

COMATRANS S A

represented by **MICHAEL KAPLAN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SNC SHAMROCK GESTION

represented by **MICHAEL KAPLAN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Claimant

CITY OF PORTLAND

represented by **ELIZABETH L. BOYNTON**
CITY OF PORTLAND
389 CONGRESS ST
PORTLAND, ME 4101-3059
207-874-8480
Email: Liz@portlandmaine.gov
ATTORNEY TO BE NOTICED

Counter Defendant

**FORTIS BANK (NEDERLAND)
NV**

represented by **PETER S. PLUMB**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SARAH A. MCDANIEL
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

THOMAS C. NEWMAN
(See above for address)
ATTORNEY TO BE NOTICED

Custodian

**NATIONAL MARITIME
SERVICES INC**

represented by **MARK J. WINTER**
DRUMMOND & DRUMMOND,
LLP
ONE MONUMENT WAY

P. O. BOX 15216
PORTLAND, ME 4101
207-774-0317
Email: mwinter@ddlaw.com
ATTORNEY TO BE NOTICED

Interested Party

COMATRANS S A

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

SP CONTAINER LINE SA

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

SNC SHAMROCK GESTION

represented by **MICHAEL KAPLAN**
(See above for address)
ATTORNEY TO BE NOTICED

MICHEL REMOND

represented by **MICHAEL X. SAVASUK**
LAW OFFICE OF MICHAEL X.
SAVASUK
MARINE TRADE CENTER
300 COMMERCIAL STREET
P.O. BOX 267
PORTLAND, ME 04112-0267
(207)773-0788
Email: mxslaw@maine.rr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JERZY REJMAN

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KRZYSZTOF SKARZEWSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

BOGUSLAW SILWA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GRZESLAW BATOR

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

JEAN LOUIS AUDOUX

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ANDRZEJ ZIELINSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARIUSZ DRELINKIEWICZ

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROMUALD KOLAKOWSKI

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MIECZYSLAW ZABLOTNY

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GARRY HEUDES

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

PRZEMYSŁAW CZAPLA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

YVES CHAMPDOIZEAU

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

GERARD URTIZBEREA

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

THIERRY BEAUPERTUIS

represented by **MICHAEL X. SAVASUK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

CERESCORP COMPANY

represented by **U. CHARLES REMMEL, II**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

R. TERRANCE DUDDY
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

M/V SHAMROCK

represented by **MICHAEL KAPLAN**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SARAH A. MCDANIEL
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Counter Claimant

HALTERM LIMITED

represented by **U. CHARLES REMMEL, II**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

FORTIS BANK (NEDERLAND)
NV

represented by **PETER S. PLUMB**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SARAH A. MCDANIEL
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

THOMAS C. NEWMAN
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

COPROPRIETE DU NAVIRE
SHAMROCK

represented by **MICHAEL KAPLAN**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

M/V SHAMROCK

represented by **MICHAEL KAPLAN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Counter Defendant

FORTIS BANK (NEDERLAND)
NV

represented by **THOMAS C. NEWMAN**
(See above for address)
ATTORNEY TO BE NOTICED